

UNITED STATES BANKRUPTCY COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Andrea D. Whitefield d/b/a Maximum : A HEARING WILL BE HELD
Level Barber Salon d/b/a Maximum Level : ON 8/17/2016 10:00 AM
Hair Salon : IN COURTROOM #4
Debtor : 900 MARKET STREET,
Seterus, Inc. as the authorized servicer for : PHILADELPHIA, PA 19107
Federal National Mortgage Association :
("Fannie Mae"), creditor c/o Seterus, Inc, its : CHAPTER 13
successors and assigns :
Movant, : BANKRUPTCY NO. 15-15164
v. :
Andrea D. Whitefield d/b/a Maximum Level 11 U.S.C. §362
Barber Salon d/b/a Maximum Level Hair
Salon
Respondent
Frederick L. Reigle, Esquire, Trustee
Additional Respondent

**MOTION OF SETERUS, INC. AS THE AUTHORIZED SUBSERVICER FOR
FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), CREDITOR
C/O SETERUS, INC FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION
362(d)(1) TO PERMIT MOVANT TO FORECLOSE ON
5138 KERSHAW STREET, PHILADELPHIA, PA 19131**

The Motion of Seterus, Inc. as the authorized servicer for Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc, Movant herein, respectfully represents:

1. Andrea D. Whitefield d/b/a Maximum Level Barber Salon d/b/a Maximum Level Hair Salon, Respondent herein, filed a bankruptcy petition under Chapter 13 of the Bankruptcy Code on July 21, 2015 under Bankruptcy No.15-15164. The Debtor has continued in possession of the property, and is now managing it.

2. Movant is a secured creditor by reason of Debtor having executed and delivered a mortgage on premises 5138 Kershaw Street, Philadelphia, PA 19131 to Bank of America, National Association, on April 3, 2008, which mortgage is recorded in the Office of the Recorder of Deeds of Philadelphia County on July 9, 2015 as Instrument Number 51901059.

3. The mortgage has since been assigned to Movant herein by written assignment which was recorded in the Office of the Recorder of Deeds of Philadelphia County on July 9, 2015 as Instrument No. 52937782.

4. Movant seeks relief for the purpose of foreclosing its mortgage against the Debtor's interest in real property known as **5138 Kershaw Street, Philadelphia, PA 19131**.

5. Movant lacks adequate protection in that the Debtor has failed to make regular timely monthly mortgage payments in accordance with the terms of the Mortgage and Note.

6. As of the date of the filing of bankruptcy on July 21, 2015, Seterus, Inc. as the authorized subservicer for Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc, was the holder of a secured claim against the Debtor for the sum of \$56,649.25 which represented unpaid pre-petition principal, interest, late charges and penalties, tax/insurance disbursements and unpaid foreclosure fees and costs. On that date, arrears to be paid through the plan were \$2,191.83. A proof of claim was filed by Movant.

7. Debtor has not made regular post-petition mortgage payments outside the plan since April 1, 2016, and as of June 8, 2016 owes \$1,918.12 in unpaid post-petition mortgage installments.

8. Movant requests that Rule 4001(a)(3) be waived.

9. Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code.

10. Debtor has no reasonable prospect for reorganization.

11. If Seterus, Inc. as the authorized subservicer for Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc, is not permitted to foreclose its mortgage on said premises, it will suffer irreparable injury, loss and damage.

WHEREFORE, Movant prays that upon final hearing of this Motion, the stay pursuant to 11 U.S.C. Section 362(d)(1) be modified to permit it to foreclose on premises **5138 Kershaw Street, Philadelphia, PA 19131**, that Movant may take such actions with respect to the real

property as are set forth under applicable non-bankruptcy law. Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code and that it have such other and further relief as is just.

/s/Jeniece D. Davis, Esquire
Jeniece D. Davis, Esquire
Martha E. Von Rosenstiel, P.C.
649 South Avenue, Unit 6
Secane, PA 19018
(610) 328-2887 Ext 16
Jeniece@mvrllaw.com
Attorney I.D. #208967